

DAYLE ELIESON
United States Attorney
District of Nevada

TROY K. FLAKE
Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
702-388-6336
Troy.Flake@usdoj.gov

Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RUBEN SANCHEZ-FEDERICO and
ESTELA GARCIA-FEDERICO,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et. al.*,

Defendants.

Case No. 2:17-cv-02568-GMN-CWH

**UNOPPOSED MOTION FOR STAY
AND EXTENSION DUE TO LAPSE
OF APPROPRIATIONS**

The United States moves for a stay of proceedings and an extension of existing deadlines commensurate with the duration of, the lapse in appropriations (partial government shutdown). Plaintiff does not oppose this request.

1. At midnight on December 21, 2018, the continuing resolution that had been funding the Department of Justice expired and appropriations to the Department lapsed.

2. Absent an appropriation or continuing resolution, Executive Branch employees are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. The instant lawsuit does not appear to meet such criteria because it is a tort claim arising out of a motor vehicle accident. The lapse in appropriations also prevents the United States Attorney’s Office from paying for costs that would otherwise be routine such as deposition transcription and work-related travel.

1 3. Defendant therefore requests a stay of proceedings until Congress has
2 restored appropriations to the Department. Defendant also requests an extension of
3 deadlines commensurate with the duration of the lapse in appropriations.

4 4. In light of the foregoing, Plaintiff's counsel has agreed to vacate without
5 prejudice the scheduled January 8, 2019 deposition of Dr. Lankowski.

6 5. Defendant will notify Plaintiff and the Court as soon as Congress has
7 appropriated funds for the Department or enacted another continuing resolution and
8 undersigned counsel can resume usual civil litigation duties.

9 Therefore, although we greatly regret any disruption caused to the Court and the
10 other litigants, Defendant hereby moves for a stay in this case until Department of Justice
11 attorneys are permitted to resume their usual civil litigation functions.

12 Respectfully submitted this 4th day of January 2019.

13 DAYLE ELIESON
14 United States Attorney

15 /s/ Troy K. Flake
16 TROY K. FLAKE
17 Assistant United States Attorneys
18 *Attorneys for the United States*

19
20 **IT IS SO ORDERED:**

21
22 **DATED** this 10 day of January, 2019.

23
24 
25 _____
26 Gloria M. Navarro, Chief Judge
27 UNITED STATES DISTRICT COURT
28

1 **Certificate of Service**

2 I hereby certify that on January 4, 2019, I electronically filed and served the
3 foregoing **Unopposed Motion for Stay and Extension Due to Lapse of Appropriations**
4 with the Clerk of the Court for the United States District Court for the District of Nevada
5 using the CM/ECF system.

6 /s/ Troy K. Flake
7 TROY K. FLAKE
8 Assistant United States Attorney
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28